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a second raw liquid material is fed into the mold with said mold being rotated to thereby form a second belt layer on said first film;

the raw materials respectively forming said first film and said second film are cured; and

said first film forms, when cured, an elastic, first belt layer while said second forms, when cured, a second belt layer having greater hardness than said first belt layer;

wherein said first belt layer has a hardness ranging from 30°C to 70°C, as measured by JIS A scale and said second belt layer has thickness ranging from 30 to 1,000 micrometers. Cam 58

SUPPORT FOR THE AMENDMENT

The amendment to Claims 49 and 73 is supported by Claims 53, 58, 64, 69, 77, 82, 88, and 93. No new matter is believed to introduced by the above amendment.

REMARKS

Claims 53, 58, 64, 69, 77, 82, 88, and 93 are cancelled. Claims 49 and 73 are amended. Claims 1-52, 54-57, 59-63, 65-68, 70-76, 78-81, 83-87, 89-92, and 94-98 are pending. Favorable reconsideration is respectfully requested.

At the outset, Applicants thank Examiner Ferguson for helpful comments in the Office Action to help overcome the rejections in the present application. Further, Applicants thank the Examiner for the helpful and courteous discussion of the present application held on December 9, 2002. Finally, Applicants thank the Examiner for indicating during this discussion that the portions relied upon by the Examiner within Takahashi et al. cited in the outstanding Office Action refers to a contact charging member disclosed therein, instead of an intermediate belt.

The rejection of Claims 49-96 under 35 U.S.C. § 103(a) over Takahashi et al. is traversed below.

The Examiner relies upon the disclosures at column 3, lines 29-34, column 4, lines 50-51, and column 5, line 15, of Takahashi et al. to support an argument that the reference appears to disclose “a transfer member having a rubber elastic layer and toner where there is formed an intermediate layer where the intermediate transfer belt comprises polyurethane” (see page 6, lines 3-7, of the Office Action). However, these disclosures clearly provide description of a contact charging member disclosed therein, not an intermediate image transfer belt.

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More specifically, the disclosure at column 3, lines 29-34, begins with the phrase “The contact charging member..” and proceeds with the description of the contact charging member. Further, the disclosure at column 4, lines 50-51, begins with the phrase “In the image forming apparatus, the contact charging member” and proceeds with the description of the contact charging member. Finally, the disclosure at column 5, line 15, is preceded with the phrase “ Any foreign matters stuck the contact charging member 2 are removed by the group of fibers” and proceeds with the description of the group of fibers. In light of the above, it is clear that none of the disclosures cited by the Office within Takahashi et al. describe an intermediate image transfer belt.

The above argument was presented to the Examiner during the above mentioned discussion, and Applicants thank the Examiner for agreeing with the Applicants assessment. Accordingly, withdrawal of this ground of rejection is respectfully requested.

The rejection of Claims 49-96 under 35 U.S.C. § 103(a) over Tanaka et al. is believed to be obviated by the above amendment and the remarks below.

At the outset, Applicants provide herewith a copy of the International Standard ISO 48 corresponds to the JIS A hardness scale standard as claimed. It is noted that the Examiner indicates that this scale is an intended method of use limitation. However, it was pointed out at the Interview to the Examiner that the JIS A hardness scale is not an intended use, but a standard by which hardness is determined. To support this assertion and for the Examiner's convenience, Applicants provide herewith a copy of the International Standard ISO 48 corresponds to the JIS A hardness scale standard as claimed.

Tanaka et al. disclose, at best, an intermediate image transfer belt that may contain an elastic layer having a JIS A hardness of 60 °C and a first layer having a thickness of 25 micrometers (see Example 4 in Table 1 at column 14).

In direct contrast, the claimed invention relates to an intermediate image transfer belt containing a first and a second belt layer where the first belt layer has a hardness ranging from 30°C to 70°C, as measured by JIS A scale and said second belt layer has thickness ranging from 30 to 1,000 micrometers. Since Tanaka et al. fail to disclose or suggest a belt containing a first and a second belt layer where the first belt layer has a hardness ranging from 30°C to 70°C, as measured by JIS A scale and said second belt layer has thickness ranging from 30 to 1,000 micrometers, Tanaka et al. fail to disclose or suggest the claimed invention. Accordingly, withdrawal of this ground of rejection is respectfully requested.

In addition, the Office has required restriction in the present application as follows:

- Group I: Claims 1-48, drawn to a method of making an intermediate image transfer belt;
- Group II: Claim 49-96, drawn to an intermediate image transfer belt; and
- Group III: Claim 97-98, drawn to an image forming apparatus.

Applicants elect, with traverse, Group II, Claim 49-96, drawn to an intermediate image transfer belt, for further prosecution.

The Office has characterized the inventions of Groups I and II as related as process of making and product made. Citing MPEP §806.05(f), the Office concludes that the product as claimed can be made by a different process of "forming an intermediate image transfer belt by using an sintering the transfer belt material." However, there is no evidence of record to show that the claimed product can be made by "forming an intermediate image transfer belt by using an sintering the transfer belt material" as the Office has alleged. If in fact the claimed product can be made by "forming an intermediate image transfer belt by using an sintering the transfer belt material", Applicants respectfully submit that the Office has not shown how the "forming an intermediate image transfer belt by using an sintering the transfer belt material" process is materially different from the claimed process. Accordingly, Applicants respectfully request withdrawal of the Restriction Requirement.

In regard to Groups I and III, the Office has characterized the relationship between these two groups as process and apparatus for its practice. Citing MPEP §806.05(e), the Office suggests that the process as claimed can be used "in an extruding apparatus". However, the Office has not provided sufficient reasons and/or examples to support this assertion. The Office has merely stated the conclusion. Accordingly, the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Accordingly, Applicants respectfully submit that the Restriction Requirement should be withdrawn.

In regard to Groups II and III, the Office has characterized the relationship between these two groups as apparatus and product made. Citing MPEP §806.05(g), the Office suggests the product as claimed can be made by another and materially different apparatus such as "an extruding apparatus." However, there is no evidence of record to show that the

claimed product could be made as the Office has alleged. If, in fact, the claimed product can be made by "an extruding apparatus", the Office has failed to show that the alleged "extruding apparatus" is materially different from the claimed product. Accordingly, Applicants respectfully submit that the Restriction Requirement is unsustainable, and it should therefore be withdrawn.

Applicants further traverse the Restriction Requirement on the additional ground that a search of all the claims would not impose a serious burden on the Office. The MPEP in §803 states as follows:

upheld
"If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Office. Applicants respectfully point out that thousands of U.S. patents have issued in which many more subclasses are searched, and the Office cannot reasonably assert that a burden exists in searching these subclasses.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Applicants respectfully submit that the present application is now in condition for allowance. Favorable reconsideration is respectfully requested. Should anything further be required to place the application in condition for allowance, the Examiner is requested to contact the undersigned by telephone.

Respectfully submitted,

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Marked-Up Copy
Serial No: 09/820,844
Amendment Filed on:
HEREWITH

IN THE CLAIMS

Please amend the claims as follows.

--49. (Amended) [In an] An intermediate image transfer belt for an image forming apparatus that includes an image carrier for forming a latent image, a developing device for developing said latent image with a developer to thereby form a corresponding toner image and said intermediate image transfer belt to which said toner image is transferred from said image carrier, and executes primary image transfer from said image carrier to said intermediate image transfer belt and then executes secondary image transfer from said intermediate image transfer belt to a recording medium,

a first raw liquid material is fed into a hollow, cylindrical mold, which is included in a centrifugal molding machine, with said mold being rotated;

the first raw material is cured to thereby form a first endless belt layer on an inside of the mold;

a second raw liquid material is fed into the mold with said mold being rotated, and then cured to thereby form a second belt layer; and

said first layer has elasticity while said second belt layer has greater hardness than said first layer;

wherein said first belt layer has a hardness ranging from 30°C to 70°C, as measured by JIS A scale and said second belt layer has thickness ranging from 30 to 1,000 micrometers.

73. (Amended) [In an] An intermediate image transfer belt for an image forming apparatus that includes an image carrier for forming a latent image, a developing device for developing said latent image with a developer to thereby form a corresponding toner image and said intermediate image transfer belt to which said toner image is transferred from said image carrier, and executes primary image transfer from said image carrier to said intermediate image transfer belt and then executes secondary image transfer from said intermediate image transfer belt to a recording medium, and said method comprising [the steps of]:

a first raw liquid material is fed into a hollow, cylindrical mold, which is included in a centrifugal molding machine, with said mold being rotated to thereby form an endless first film on an inner surface of said mold;

a second raw liquid material is fed into the mold with said mold being rotated to thereby form a second belt layer on said first film;

the raw materials respectively forming said first film and said second film are cured; and

said first film forms, when cured, an elastic, first belt layer while said second forms, when cured, a second belt layer having greater hardness than said first belt layer;

wherein said first belt layer has a hardness ranging from 30°C to 70°C, as measured by JIS A scale and said second belt layer has thickness ranging from 30 to 1,000 micrometers.

--Claims 53, 58, 64, 69, 77, 82, 88, and 93 are cancelled.--